

REMARKS

The Office Action mailed December 3, 2004, has been received and reviewed. Claims 1 through 25 are currently pending in the application. Claims 1 through 3, 6, 9, 14, 15, 18 and 21 stand rejected. Claims 4, 5, 7, 8, 10 through 13, 16, 17, 19, 20 and 22 through 25 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicants have amended claims 1, 3, 4, 5 and 14, and respectfully request reconsideration of the application as amended herein.

Claim 1 has been amended to characterize the polishing pad as "substantially continuous," to more fully define the nature of the solid supports of the deformable pad as "laterally isolated, deformable solid supports" to characterize the nature of attachment of the solid supports to the polishing pad and to improve grammar. Claim 14 has been amended in a similar manner, albeit in a method context.

Claims 3, 4 and 5 have been amended solely to improve antecedent basis.

Information Disclosure Statement(s)

Applicants note that the foreign citations submitted in Information Disclosure Statement filed December 5, 2003 have not been considered because no copies were provided for the examiner. Applicants note that, pursuant to M.P.E.P. 2001.06(b), the Examiner is required to consider the prior art cited in the parent application hereto, whether or not Applicants have supplied a copy or even identified the prior art, as Applicants have done in the instant application in the Information Disclosure Statement filed December 5, 2003. Applicants have, however, submitted English language Abstracts with drawings of the two (2) Japanese references in conjunction with a true copy of the previously filed (December 5, 2003) Information Disclosure Statement and PTO-1449 with date-stamped postcard, and request that the Japanese references be made of record herein and a copy of the PTO-1449 with the Japanese references initialed be returned to Applicants' undersigned attorney.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 5,212,910 to Breivogel et al.

Claims 1 through 3, 6, 9, 14, 15, 18 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Breivogel et al. (U.S. Patent No. 5,212,910). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants note that claim 1, as presently amended, requires the presence of a substantially continuous polishing pad and a deformable pad comprising a plurality of laterally isolated deformable solid supports attached to a surface of the polishing pad. Breivogel et al. in the embodiment of FIGS. 4, 6, 7, 8 and 9 describes an uppermost layer of spongy, porous material 23 carried by an underlying layer of rigid material 22. The two material layers 22 and 23 are segmented into individual “tiles” 25, as illustrated in FIGS. 6, 7 and 8. The embodiment of FIG. 5 apparently teaches a continuous, substantially planar layer of the spongy, porous material 23 overlying segments of rigid material 22. The rigid material 22 is taught only to be “a composite fiberglass epoxy material which is well known for its extreme rigidity and hardness” (Breivogel et al., Col. 4, lines 32-34). Applicant respectfully submits that the segments of rigid material 22 in the context of FIG. 5 do not meet the limitation of a “deformable pad.” Likewise, in the context of FIGS. 4, 6, 7, 8 and 9, material 23 and material 22 are part of tiles 25 so there is no substantially continuous polishing pad. Further, any deformation or cushioning is taught to be provided by a first, underlying layer 20 of a relatively soft, elastic material and not the segments of rigid material 22.

Claims 2 and 3 are allowable as depending from claim 1.

Claim 6 is allowable as depending from claim 1 and, further, because Breivogel et al. fails to describe at least one of a ventral layer and a dorsal layer integrally formed with the plurality of solid supports.

Claim 9 is allowable as depending from claim 1 and, further, because in the context of claim 9 as read in conjunction with claim 1, Breivogel et al. does not describe a plurality of solid supports comprising one or more elastically deformable materials.

Claim 14 has been amended in a manner similar to the amendments to claim 1, and is allowable for the same reasons. In other words, Breivogel et al. fails to describe, *inter alia*, attaching a surface of a substantially continuous polishing pad to a plurality of laterally isolated, deformable solid supports of a deformable polishing pad.

Claim 15 is allowable as depending from claim 14.

Claim 18 is allowable as depending from claim 14 and, further, because Breivogel et al. fails to describe integrally forming the plurality of solid supports with at least one of a ventral layer and a dorsal layer.

Claim 21 is allowable as depending from claim 14 and, further, because Breivogel et al. fails to describe forming the plurality of solid supports with one or more elastically deformable materials.

Reconsideration and withdrawal of the rejections of claims 1 through 3, 6, 9, 14, 15, 18 and 21 is respectfully requested.

Objections to Claims /Allowable Subject Matter

Claims 4, 5, 7, 8, 10 through 13, 16, 17, 19, 20 and 22 through 25 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicants note the indication of allowable subject matter with appreciation. Applicants respectfully submit that claims 4, 5, 7, 8, 10 through 13, 16, 17, 19, 20 and 22 through 25 are allowable in their present form for the reasons stated above with respect to the claims from which each respectively depends.

Applicants have placed the subject matter of each of claims 4, 7, 8 and 10 through 13 in independent form, as new claims 26 through 32, including the subject matter of claim 1 prior to the present amendments thereto and, in the case of claims 29 and 30, of intervening claim 9.

ENTRY OF AMENDMENTS

The amendments to claims 1, 3, 4, 5 and 14 above, and new claims 26 through 32, should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 1 through 32 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

Joseph A. Walkowski
Registration No. 28,765
Attorney for Applicant(s)

TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

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JAW/djp:ljb

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